RECEIVED
CENTRAL FAX CENTER
JUN 27 2006

REMARKS

1. Claims 1, 6, 9, 10, 14, 19, 24, 27, 28 and 32 Are Patentable Over Nguyen and Richardson

Applicants respectfully traverse the rejection of claims 1, 6, 9, 10, 14, 19, 24, 27, 28 and 32 under 35 U.S.C. § 103(a) over U.S. Application Pub. No. 2004/0117503 ("Nguyen") and U.S. Application Pub. No. 2004/0125818 ("Richardson"). See Office Action of 4/19/06, p. 2, paragraph 4.

Nguyen discloses a method of managing IP multicast connections via a network node sending and receiving IGMP messages. See Nguyen, p. 2, paragraphs 0010-0015. Richardson discloses a DSLAM coupled to an ATM network layer. See Richardson, Abstract.

Neither Nguyen nor Richardson disclose or suggest a broadcast overlay network having a ring topology, as recited in claim 1, from which claims 6, 9, 10 and 14 depend, and claim 19, from which claims 24, 27, 28, and 32 depend. Further, neither Nguyen nor Richardson disclose or suggest the DSLAM determining an availability of a particular video channel based on a group address provided by a request from a customer premise via the line interface, as recited in claims 1, 6, 9, 10, 14, 19, 24, 27, 28 and 32. Contrary to the Examiner's assertion, paragraph 0022 of Nguyen simply discloses matching Group Joins with Group Leaves by the MAC address of the joining/leaving device to facilitate Expedited Leaves. See Office Action of 4/19/2006 ("Office Action"), p. 3.

Because the asserted combination of Nguyen and Richardson fails to disclose at least one element of claims 1 and 19, the rejection is improper and should be withdrawn.

2. Claims 2-4 and 20-22 Are Patentable Over Nguyen, Richardson and Christian

Applicants respectfully traverse the rejection of claims 2-4 and 20-22 under 35 U.S.C. § 103(a) over Nugyen, Richardson and U.S. Patent No. 6,892,233 ("Christian"). See Office Action of 4/19/06, p. 9, paragraph 14.

No motivation exists for the asserted combination. Nguyen discloses a method of managing IP multicast connections via a network node sending and receiving IGMP messages. See Nguyen, p. 2, paragraphs 0010-0015. Richardson discloses a DSLAM coupled to an ATM network layer. See Richardson, Abstract.

In contrast, Christian discloses a method of providing a GUI on a PC to control SONET network elements. See Christian, Abstract. Christian discloses optical networks as ideal for interconnecting networks and transporting voice and data. See Christian, col. 1, lines 19-25. Christian does not teach or disclose broadcast traffic, head-end networks, DSLAMs, or video channels.

Nyugen and Richardson have nothing to do SONET, while Christian has nothing to do with IP multicasting. The references use different technologies in different ways to solve different problems. Other than Applicants' own disclosure, there is simply no motivation for the asserted combination. Thus, the asserted combination is improper and should be withdrawn.

Even if made, the asserted combination fails to disclose at least one element of claims 2-4 and 20-22. Nguyen and Richardson fail to disclose or suggest a broadcast overlay network having ring topology to carry broadcast traffic from a head-end network, as recited in claims 2-4 and 20-22. Christian also does not disclose or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network as recited in claims 2-4 and 20-22, nor does Christian disclose or suggest a DSLAM determining an availability of a particular video channel based on a group address provided by a request from a customer premise via the line interface, as recited in claims 2-4 and 20-22.

There is no proper motivation to make the asserted combination of Nguyen, Richardson and Christian. Even if made, the asserted combination fails to disclose at least one element of claims 2-4 and 20-22. The rejection is improper and should be withdrawn.

3. Claims 5 and 23 Are Patentable Over Nguyen, Richardson, Christian and Kenworthy

Applicants respectfully traverse the rejection of claims 5 and 23 under 35 U.S.C. § 103(a) over Nguyen, Richardson, Christian and U.S. Patent No. 6,718,553 ("Kenworthy"). See Office Action, p. 12, paragraph 21.

As demonstrated above, no motivation exists to combine Christian with Nguyen and Richardson. Kenworthy discloses using long-haul fiber optic networks to transport aggregated video content from a centralized aggregation to local or central offices. See Kenworthy, Abstract. However, for content delivery from central offices to subscribers, Kenworthy teaches that reformatting and compressing digital content may be necessary to conform with the local last-mile delivery system, such as a copper wire pair. See Kenworthy, col. 7, lines 33-54.

Kenworthy, therefore, does nothing to overcome the lack of motivation to combine Nguyen and Richardson with Christian. In fact, by teaching the use of SONET networks to transmit content up to, but not including, the local or central office delivery to subscribers, Kenworthy teaches away from the asserted combination.

Even if made, the asserted combination fails to disclose or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network as recited in claims 5 and 23. The asserted combination also fails to disclose or suggest a broadcast network comprising a first SONET ring having an ingress ADM and a second SONET ring having an egress ADM connected to the network interface of a DSLAM, as recited in claims 5 and 23. Additionally, the asserted combination fails to disclose or suggest the DSLAM determining an availability of a particular video channel based on a group address provided by a request from a customer premise via the line interface, as recited by claims 5 and 23.

There is no proper motivation to make the asserted combination of Nguyen, Richardson, Christian and Kenworthy. Even if made, the asserted combination fails to disclose at least one element of claims 5 and 23. The rejection is improper and should be withdrawn.

4. Claims 11, 12, 15, 16, 29, 30, 33 and 34 Are Patentable Over Nguyen, Richardson and Kenworthy

Applicants respectfully traverse the rejection of claims 11, 12, 15, 16, 29, 30, 33 and 34 under 35 U.S.C. § 103(a) over Nguyen, Richardson and Kenworthy. See Office Action, p. 13, paragraph 23.

As Applicants have previously demonstrated, no motivation exists to combine Nguyen and Richardson with Kenworthy. Further, Applicants have demonstrated that an asserted combination including Nguyen, Richardson and Kenworthy fails to disclose or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network and in communication with a network interface of a DSLAM as recited in claims 11, 12, 15, 16, 29, 30, 33 and 34. Additionally, the asserted combination fails to disclose or suggest the DSLAM determining an availability of a particular video channel based on a group address provided by a request from a customer premise via the line interface, as recited by claims 11, 12, 15, 16, 29, 30, 33 and 34.

There is no proper motivation to make the asserted combination. Even if made, the asserted combination fails to disclose at least one element of claims 11, 12, 15, 16, 29, 30, 33 and 34. The rejection should be withdrawn.

5. Claims 13 and 31 Are Patentable Over Nguyen, Richardson, Kenworthy and Dunn

Applicants respectfully traverse the rejection of claims 13 and 31 under 35 U.S.C. § 103(a) over Nguyen, Richardson, Kenworthy and U.S. Patent No. 6,118,780 ("Dunn"). See Office Action, p. 16, paragraph 32.

Dunn describes a system allowing a user to select data transmission between a data network and a PSTN. See Dunn, Abstract. Dunn does not cure the lack of motivation to combine Nguyen and Richardson with Kensworthy.

Dunn does not teach or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network and in communication with a network interface of a DSLAM as recited in claims 13 and 31. Additionally, Dunn fails to disclose or suggest the DSLAM determining an availability of a particular video channel based on a group address provided by a request from a customer premise via the line interface, as recited by claims 13 and 31. Therefore, Dunn does not cure the failure of the Nguyen, Richardson and Kenworthy to comprehend elements recited in claims 13 and 31.

There is no proper motivation to make the asserted combination. Even if made, the asserted combination fails to disclose at least one element of claims 13 and 31. The rejection should be withdrawn.

6. Claims 8, 26, 37-41 and 44-46 Are Patentable Over Nguyen, Richardson and Kristofek

Applicants respectfully traverse the rejection of claims 8, 26, 37-41 and 44-46 under 35 U.S.C. § 103(a) over Nguyen, Richardson and U.S. Application Pub. No. 2004/0088735 ("Kristofek"). See Office Action, p. 18, paragraph 35.

Kristofek discloses a method of multicasting within an ATM network. See Kristofek, Abstract. Kristofek does not teach or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network and in communication with a network interface of a DSLAM as recited in claims 8. 26, 37-41 and 44-46.

In addition, Kristofek fails to disclose or suggest the DSLAM determining an availability of a particular video channel based on a class-D IP address provided by a request from a customer premise via the line interface, as recited by claims 8, 26, 37-41 and 44-46. Instead, a DSLAM of Kristofek receiving a request for a video channel using a class-D IP address, would translate the request and forward the request to the head-end. See Kristofek, p. 4, [0055]-[0058].

Therefore, Kristofek does not cure the failure of the Nguyen and Richardson in combination to disclose the elements recited in claims 8, 26, 37-41 and 44-46. The rejection of claims 8, 26, 37-41 and 44-46 should be withdrawn.

7. Claims 35, 36, 42 and 43 Are Patentable Over Nguyen, Richardson, Kristofek and Christian

Applicants respectfully traverse the rejection of claims 35, 36, 42 and 43 under 35 U.S.C. § 103(a) over Nguyen, Richardson, Kristofek and Christian. See Office Action, p. 28, paragraph 43.

The combination of Nguyen, Richardson and Kristofek fails to render obvious at least one element of claims 35, 36, 42 and 43, at least by virtue of their dependency from claim 8, as discussed above in paragraph 6. Christian simply cannot be combined with Nguyen and Richardson for lack of proper motivation, which Kristofek fails to cure. Therefore, the asserted combination is improper and should be withdrawn.

Even if made, however, Christian adds nothing to cure the failure of Nguyen, Richardson and Kristofek to disclose or suggest a broadcast overlay network having a ring topology to carry broadcast traffic from a head-end network and in communication with a network interface of a DSLAM as recited in claims 35, 36, 42 and 43. Christian also does not cure the failure of of Nguyen, Richardson and Kristofek to disclose or suggest the DSLAM determining an availability of a particular video channel based on a class-D IP address provided by a request from a customer premise via the line interface, as recited by claims 35, 36, 42 and 43.

Because the asserted combination is improper, and even if made, fails to disclose at least one element of claims 35, 36, 42 and 43, the rejection should be withdrawn.

8. Claims 17 and 18 Are Patentable Over Nguyen, Richardson, Kenworthy and Christian

Applicants respectfully traverse the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) over Nguyen, Richardson, Kenworthy and Christian. See Office Action, p. 30, paragraph

48. As previously discussed, the asserted combination is improper. Even if made, the asserted combination fails to disclose at least one element of claims 17 and 18, for at least the reasons presented above in paragraphs 3, 4, 5 and 7.

Applicants respectfully disagree with the Examiner's interpretation of Fig. 1 of Kenworthy. For example, Applicants note that interconnected long haul fiber optic network 110 (made of fiber optic networks 107) cannot logically comprehend both the broadcast overlay network and the dedicated data network separate from the broadcast overlay network as recited in claims 17 and 18, as the Examiner suggests. See Office Action, p. 31.

Because the asserted combination is improper, and even if made, fails to teach or suggest at least one element of claims 17 and 18, the rejection should be withdrawn.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims 1-6, 8-24 and 26-46.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicants' failure to challenge any cited reference as prior art should not be construed as an admission by Applicants that the unchallenged reference does constitute prior art.

Applicants do not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

6·26·06
Date

Jason E. Robertson, Reg. No. 53,522
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5575 (fax)